Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER — PROUDHON

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"For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved;
And though thou slay us, we will trust in thee."

JOHN HAY.

On Picket Duty.

The resolutions of the Women's Council lately held in Washington are chiefly remarkable for the total absence of any reference or hint on the subject of woman suffrage. The movement for woman suffrage is evidently one of those things that are growing smaller and beautifully less.

In the "Twentieth Century" of March 5, J. W. Sullivan, in referring to Mr. Yarros's lecture before the Chicago Economic Conference, says: "The 'Daily News' reviewed Mr. Yarros and Anarchism in an editorial, concluding: 'As a doctrine in the science of political education Anarchy stands on a par with the poisons employed in medicine. It may be used to cause the system to react against lethargy and degeneration, but to employ it as a tonic or analeptic would mean the end of all human society and the extinction of every human sentiment except that of brutish selfishness.'" Considering that the "Daily News" was not the only paper that reviewed Mr. Yarros and Anarchism editorially, it is interesting to know why Mr. Sullivan selected for quotation the stupidities of the "Daily News," which are in no wise more remarkable than the stupidities of the other papers. Can it be that (as indeed I half suspect) Mr. Sullivan sympathizes to some extent with the "opinion" of the "Daily News"? I should be sorry to learn that Mr. Sullivan understands Anarchism and Anarchists so little.

Matthew Marshall, the financial authority of the New York "Sun," recently wrote as follows: "If I had my way, Congress should do no more in regard to the currency than direct the Mint to coin, not dollars, but ounces and fractions of ounces of silver and of gold, and should make them a legal tender only in the absence of contracts specifying the mode of payment of obligations. Our paper money should, in the same manner, be no more than promises to deliver on demand gold or silver by weight, and, like the metal they represent, their acceptance should not be compulsory, but depend upon voluntary agreement. The result would be that every man, when he made a bargain involving the payment of money, would know what he was going to give or to get, and would be safe from all but natural hazards." I cannot agree with Mr. Marshall that under his proposed reform every man making a bargain involving payment of money would be safe from all but natural hazards, knowing as I do that to that end more radical financial reforms are requisite; but I am glad to find Mr. Marshall and the "Sun" as progressive as they are.

Our financial system is the most perfect and stable that human ingenuity and skill can devise. No improvements are possible or needful. If you don't believe it, read the following from the Boston "Herald": "It is not generally known how narrowly the country escaped a financial panic on the day Congress adjourned. When the announcement of the congressional adjournment reached the New York Stock Exchange, somebody sung out that the Czar was dead. The report was quickly heard in all the offices, and uneasiness prevailed. The death of the Czar of Russia, it was insisted, would unsettle European financial circles. Brokers and their customers shot orders into the exchange to sell stocks. There was a slump in several quarters and a weak closing. The report of the death of the Czar of Russia reached London by the way of New York, and back came uneasy news. It was not until the close of the day that all Wall street knew that the stentorian announcement referred to Thomas B. Reed of Portland, Me. Then confidence was restored." Let us be duly thankful. Confidence is restored and there is no danger — that is, so long as no man again ventures to make a jocular remark. Humor is the foe of financial security.

"F. Q. Stuart, who is the editor of the 'Individualist' department of 'Living Issues,' regards municipalization as in perfect line with individualism. But who regards Stuart as an authority on individualism? — *Liberty.* Exactly. But who regards Mr. Tucker as an authority on authorities?" The above is from the "Truthseeker," and seems to require notice. One does not need to be an authority on authorities in order to say that a certain person is not an authority on a certain subject. Suppose I were to say that the editor of the "Truthseeker" is not an authority on geology, would anybody ask, could anybody reasonably ask, if I am an authority on authorities? Individualism is a political doctrine, espoused by many distinguished men. They may not all be at one upon every minor question embraced by the doctrine, but on many questions they are all in accord. Now, when Stuart comes and asserts that a thing is perfectly compatible with individualism, while we know that no prominent member of the school shares that opinion, is it not proper to send Stuart about his business? Nobody objects to his saying that this or that thing is compatible with *his* individualism; but he has no right to misrepresent the individualistic school or doctrine. A man has a right to his own opinion, — he has a right to be a fool even, — but he has no right to make others responsible for his opinion. A man has a right to believe in the divinity of Jesus and call himself a freethinker; but he has no right to say that freethought is compatible with belief in the divinity of Jesus. *His* freethought, yes, but not freethought. Stuart's individualism may be compatible with a lot of stupid notions; but individualism is not to be held answerable for them.

Of Leland Stanford's proposition that the government should lend money at two per cent. to farmers on good security, the editor of "Today" speaks in the following terms: "The California Legislature . . . will now have an opportunity to indorse that gentleman's absurd banking system. . . . When I speak of the proposal as absurd, I do not mean in the ordinary sense. Economically the proposition is too monstrous for words. It is not only beyond criticism, it is beyond ridicule, and I therefore abstain from calling it economically absurd. I mean politically." As a general thing it is not deemed scientific or rational to dismiss as beyond criticism and beyond ridicule opinions held by men of intelligence and information, especially if the matter in question is known to be among the unsettled problems. Considering that many persons with as much light on economics as the editor of "Today" has can find nothing monstrous and ridiculously inapt in the economic aspect of Stanford's proposal, it would seem that he might properly, without lowering his dignity, engage to give the grounds upon which his opinion is based or to explain exactly what he means in saying that the proposal is economically absurd. But possibly he may be bold enough to declare that those who do *not* see anything monstrous and ridiculously inapt in Stanford's proposal are unworthy of his attention, and that he cannot waste valuable time on attempts at instructing them. Even in that case we should not be nonplussed. Surely he cannot decline to argue with — himself, to come to an understanding with himself. Only a few months ago he objected to the "Sun's" manner of treating the proposal of the Farmers' Alliance that the government should establish storage warehouses where the farmers might deposit their crops and borrow money at a low rate of interest, saying: "The editor [of the "Sun"] does not explain what difference there may be between running an agricultural pawnshop and a mining pawnshop. . . . Nor does there seem to be any sufficient distinction between pawnbrokerage and banking that one can be justified but not the other." Evidently the editor of "Today," when he wrote the above, saw nothing unspeakably monstrous and ludicrous in the proposal of the Farmers' Alliance. Yet now the more modest proposal of Stanford he pretends to regard as beyond criticism or ridicule. I want to understand the editor of "Today," and I want him to understand himself. Will he rise and solve my difficulty?

IN BOHEMIA.

[Boston Transcript.]

I'd rather live in Bohemia than in any other land;
For only there are the values true,
And the laurel's gathered in all men's view.
The prizes of traffic or State are won
By shrewdness or force or by deeds undone;
But fame is sweeter without the feud,
And the wise of Bohemia are never shrewd.

Here pilgrims stream with a faith sublime
From every class and clime and time,
Aspiring only to be enrolled
With the names that are writ in the book of gold;
And each one bears in mind or hand
A palm of that dear Bohemian land

The scholar first, with his book: a youth
Aflame with the glory of harvested truth;
A girl with a picture, a man with a play,
A boy with a wolf he has modelled in clay;
A smith with a marvellous hilt and sword,
A player, a king, a ploughman, a lord —
And the player is king when the door is past,
The ploughman is crowned, and the lord is last!

I'd rather fail in Bohemia than win in another land;
There are no titles inherited there,
No heard of hope for the brainless heir;
No gilded dullard native born
To stare at his fellow with leaden scorn,
Bohemia has none but adopted sons;
Its limits, where Fancy's bright stream runs;
Its honors, not garnered for thrift or trade,
But for beauty and truth men's souls have made.

To the empty heart in a jewelled breast
There is value, maybe, in a purchased crest;
But the thirsty of soul soon learn to know
The moistureless froth of the social show;
The vulgar sham of the pompous feast,
Where the heaviest purse is the highest priest;
The organized charity, scrimped and iced,
In the name of a cautious, statistical Christ;
The smile restrained, the respectable cant,
Where a friend in need is a friend in want;
Where the only aim is to keep afloat,
And a brother may drown with a cry in his throat.

Oh, I long for the glow of a kindly heart and the grasp of a friendly hand!
And I'd rather live in Bohemia than in any other land!

John Boyle O'Reilly.

Spooner on Property in Ideas.

To the Editor of Liberty:

When I helped start the copyright discussion, I did not expect that I should do more than look on and note the issues raised and form my own opinion. I had never heard or read a concise argument either for or against, so the argument was quite new to me. I have a strong objection to people rushing into print without qualifying themselves at least to the extent of becoming acquainted with some of the best thoughts expressed on the subject. So the other day, in order to fit myself as a competent juryman, I looked through a library catalogue. I found nothing but speeches by politicians and a few legal decisions, — nothing that led me to believe that the subject would be treated from a fundamental standpoint, except Lysander Spooner's "Intellectual Property." I remembered reading in Liberty that this was Spooner's one positively foolish work; so I passed it by, and then took up the Encyclopædia Britannica. This was very unsatisfactory, the author of the copyright article not seeming to have any clear ideas, but being entirely befogged by legalities. So, as a matter of last resort, I took up Spooner, prepared to find in him a lot of whimsicalities about natural law, eternal verities, etc. I must admit, it was a very unegoistic act to measure a writer by any other person's judgment than my own. I should have remembered Bakounine's scorching of "authorities" and "leaders." I mention this to show how liable, or how prone, even an egoist may be to fall into non-egoistic habits, if it happens to be another egoist on whom he relies. Judge, then, of my surprise to find in Spooner, as it seems to me, a most thorough, precise, and clear statement of the whole question, for and against. I have seldom read anything that so completely challenged my doubts and hazy ideas, and at once began to substitute clear and concise ideas right in their place. Apart from the special question of intellectual property, the book presents a first-class statement and answer to the general question of what is property and kindred problems.

You class me among the gladiators that you have to combat. Believe me, I never felt so like a pigmy as when comparing my feeble effort with Spooner's. The book starts out by proving the general principle of the right of property in ideas. This occupies about twenty pages and is divided into nine sections. Then he proceeds to deal with objections, and divides these under fifteen heads, and there is not an argument against copyright that is not dealt with and to my mind disposed of. Even that triumphant *reductio ad absurdum*, which Mr. Tucker was saving as a trump card, is demolished, and every point in Mr. Lloyd's article is dealt with just as thoroughly.

Now to go back to the original point. In an article on copyright you characterized Alphonse Karr's saying that literary property is a property, as a captivating error. Mr. Yarros replied, and you reprinted your article against George to show that literary work is a work of discovery rather than production, and in your added remarks you say that "the form devised to express an idea is itself an idea, and therefore falls under the general law of no property in ideas." In the next number I ignore the distinction between discovery and production and accept your statement that the form devised is itself an idea, but ask for proof of your general principle of no-property in ideas. Instead of proving that principle, you impose a task on me and ask me to disprove an inherent, intrinsic, logical possibility. Your position, that because it is logically possible for two or more men to evolve the same idea, therefore to give one man the right of property in the idea is a denial of equal liberty, does not seem to me to be sound. I maintain that, in order to consistently carry out such a theory of equal liberty, you will be led to deny the right of all private property. To do this, it is necessary to prove that literary property is a property, and, as I can't disprove your logical possibility, I shift the ground and ask you to disprove Spooner's argument:

(1) If ideas be considered as productions of nature, or as things existing in nature, and which men merely discover or take possession of, then he who does discover or first take possession of an idea thereby becomes its lawful and rightful proprietor, on the same principle that he who first takes possession of any material production of nature thereby makes himself its rightful owner. And the first possessor of the idea has the same right either to keep that idea solely for his own use or enjoyment, or to give or sell it to other men, that the first possessor of any material commodity has to keep it for his own use, or to give or sell it to other men.

(2) If ideas be considered, not as productions of nature, or as things existing in nature, and merely discovered by man, but as entirely new wealth created by his labor, — the labor of his mind, — then the right of property in them belongs to him whose labor created them, on the same principle that any other wealth created by human labor belongs rightfully, as property, to its creator or producer. It cannot be truly said that there is any intrinsic difference in the two cases; that material wealth is created by physical labor, and ideas only by intellectual labor; and that this difference in the mode of creation or production makes a difference in the right of the creators or producers to the products of their respective labors. Any article of wealth which a man creates or produces by the exercise of any one portion of his wealth-producing faculties, is as clearly his rightful property as is any other article of wealth which he creates or produces by any other portion of his wealth-producing faculties. If his mind produces wealth, that wealth is as rightfully his property as is the wealth that is produced by his hands. This proposition is self-evident if the fact of creation or production by labor be what gives the creator or producer a right to the wealth he creates or produces.

But, secondly, there is no real foundation for the assertion, or rather for the distinction assumed, that material wealth is produced by physical labor and that ideas are produced by intellectual labor. . . . All wealth, therefore, whether material or intellectual, which men produce or create by their labor is in reality produced or created by the labor of their minds, wills, or spirits, and by them alone. A man's right, therefore, to the intellectual products of his labor necessarily stands on the same basis with his right to the material products of his labor. If he have the right to the latter on the ground of production he has the same right to the former, for the same reason, since both kinds of wealth are alike the production of his intellectual or spiritual powers.

Then, to show that ideas are part of men's wealth-producing faculties and should be treated as common articles of traffic, Spooner says:

The more highly cultivated a people become, the more are thoughts bought and sold. Writers, orators, teachers of all kinds, are continually selling their thoughts for money. They sell their thoughts as other men sell their material productions, for what they will bring in the market. The price is regulated not solely by the intrinsic value of the ideas themselves, but also, like the prices of all other commodities, by the supply and demand. On these principles the author sells his ideas in his volumes; the poet sells his in his verses; the editor sells his in his daily or weekly sheets; . . . . the lawyer sells his in his arguments; the physician sells his in his advice, skill, and prescription. . . . Men earn their living and support their families by producing and selling ideas, and no man who has any rational ideas of his own doubts that in so doing they earn their livelihood in as legitimate a manner as any other members of society earn theirs.

In regard to your answer to me, I deny that even existing copyright laws give a man a monopoly in ideas; they give him only a right of action against invaders or pirates, and so I maintain you did not meet my point about pirates. If you can show that there can be no property in ideas, that settles it; but, if you can't, I am quite willing to accept the condition in which you place the copyright-holder in No. 177: "Whenever they prosecute for infringement, they will be obliged by the most fundamental rules of evidence to prove that the alleged infringers *are not* independent authors. . . . Unless that is proved, the defenders will be held innocent." But in order to get that opportunity, the principle of property in ideas must be admitted, not denied. Then before a jury it will be sufficient to prove the degree of probability, and *not* the logical impossibility. So you see I do not fail to distinguish between the weighing of evidence and framing of laws.

To deny the general principle that one has a right of property to a product of his own labor seems to me to be a violation of liberty. Because surely an idea must in the nature of things at some time or other be first discovered or produced, and so ought to belong to the first discoverer or producer. Consequently, to deny A the right of property because Z in the coming ages might possibly rediscover the same idea is unjust to A, and denies his liberty to the produce of his labor. If anybody has a right, A has that right. Worse than this, because out of a multiplicity of "logically possible" dishonest claimants a jury is unable to decide who besides A has a just title, and to declare on a metaphysical quibble that it is not logically demonstrable that they could not all be original, therefore nobody shall have a title, and the product be made common property, — this seems to me to be highly unjust.

This logical possibility of rediscovery seems to me to have but little force, and would not be called for were it not for the fear that the "bearing o' this hobservation [that literary property is a property] lies in the application on't." Your ally seems to be less concerned in dealing with the truth of the principle than in its application, and so conjures up all sorts of evil. There are practical difficulties, of course, but none so great as to justify the denial of the right of property.

Mr. Lloyd does not stop to deal with the general principle, but, assuming that you have proved it, he proceeds right away with the so-called practical difficulties and treats us to some metaphysics. On encountering the first practical difficulty, he gives the whole case away to Communism. It is quite within the limits of probability, he says, that one man could invent a hoe so superior to all other tools of cultivation that all others would be worthless by comparison, and consequently he and his heirs could obtain untold wealth by exacting tribute from all copies, or even refuse to make them at all, and forbid others to do so for all time! !

Such a Frankenstein genius — and nobody able to circumvent him — is *this* logically possible? Reminds me of the old chestnut of the one man in a dug-out in the centre of civilization and Progress at a standstill, and the One Man unrelenting. But if such a genius comes, I see nothing in it but to accept his terms, or use the best tools we have, and trust to competition to evolve a wiser and better-natured genius. We have got along without him so far; whether he will be able to get along without us when he comes, is for him to determine. Anyhow, I am opposed to confiscating the work of his genius, and have enough faith in the spirit of competition to believe that he can be defeated in his diabolical scheme. Suppose Shakspere or Spencer stopping the reproduction of their works, says Mr. Lloyd. Suppose, then, they did? Has society a right to prevent them? The same with Mr. Tucker's *reductio ad absurdum* about Spencer's heirs being Roman Catholic and destroying the plates and his works. As Donisthorpe puts it in his Individualism, — suppose some rich cranks bought up all the Rubens and Greek statues, etc., and proceeded to destroy them, what would society do? Or suppose old Hutch buying up all the wheat and storing it in Chicago on the opening of the World's Fair, with the diabolical intention of burning it all up! Will Mr. Lloyd join the Communists and deny his right, or fall back on Donisthorpe's effective majority and deny the general principle of the right of property in wheat?

This is the only practical point Mr. Lloyd has touched on. The other points are metaphysical. "The impossibility of destroying an idea or withholding it from use is excellent proof that there can be no property in ideas," says your ally. Unless you, Mr. Tucker, are willing to endorse that observation, I shall not call on Spooner to answer it. As for the idea that to understand a discovery is itself a discovery or a rediscovery of the same idea, — that must be a joke; it's too poor for metaphysics.

The argument that fame and glory are the natural reward of genius; and the practical consequences of the theory that an idea is property when kept private, but not property when made public, are side issues to the general principle, and this communication is already far too long. I must refrain from calling on Spooner any more this time.

A. H. Simpson.

Making Laws.

[E. P. P. in the St. Louis Globe-Democrat.]

We have got fairly by that period of educational development in which it seemed to be the best test of a teacher that he should have abundance of rules, and spend most of his time in enforcing them. The punishment of their infraction brought out the mettle of the teacher, and of the pupils; but the real value to the brains of the latter became questionable. Now that school seems best which governs least, and that teacher the ablest who legislates least. In fine, in education at least, we have discovered that law-making is not a very valuable occupation, and that most knowledge is acquired where there is least lawing going on. We have not come to that national period in which we see that, for the most part, law-making is the least useful business in which men can be engaged, and that a new law is to be looked upon with suspicion, as a new influence at work on society whereat we have too many disturbing elements now. A new law, however, is not what we must cope with, but a new batch of laws each year, both national, State, and local, and all of them made by green hands, whose chief desire is to elevate into a statute some temporary whim or passion, and whose ambition is to be known as active law-makers. Buckle tells us that the chief real value of modern legislation is to remedy or undo the mistakes of past legislation. In fact, we have no need of this complex and perpetual legislation any more than the schoolboy of a set of rules. The popular representative has, in fact, another duty — that is, to deliberate. Now deliberation is the one thing that has gone into disuse — I believe also into contempt. We have a half-dozen Senators at present who have done nothing at all in the way of originating new measures; and I need not say they are not popular. By and by we shall begin to suspect that the man who can hold his tongue is the real sage. We have at least got by the age of stump oratory in Congress. There is hope of all things else. If we consider exactly why we send men to Washington we shall see that absolutely we have in view generally that there shall be a body of men ready for emergencies, and men also capable of constituting a sort of head to the body politic. We really do not care for a new batch of laws; and when the mills begin to grind we find it soon lands us in a maze. We cease to notice what is done, and rarely read the text of a single statute. We know that our representatives are voting our money away freely, and are often engaged in trading laws or votes for laws. Some one says that no people ever were so willing to be imposed on as the American people. We stand it without protest, from lawmakers to servant girls. It has become habitual and chronic with us to recognize individual liberty, so we hold it to be the individual right of a hired man to be independent, and of a representative to do as he pleases. There is no doubt that this is a national trait, originating in our notions of self-government. But it is very clear that in one direction we have got to call a halt.

Woodrow Wilson, in his exceedingly useful book on "Congressional Legislation," calls attention to the fact that it is very rare that a statute stands by itself, without father or mother or children; that, in fact, laws are members of a long lineage. "Every statute may be said to have a long lineage of statutes behind it, and whether that lineage is honorable or infamous is as much a question as it can be in regard to the ancestry of the individual legislator. Every statute also has a numerous progeny, and only time and opportunity can decide whether its offspring will bring it honor or shame. Once begin the dance of legislation, and you must struggle through its mazes as best you can to its breathless end." This is a figurative way of stating the great fact that legislation is for the most part putting plasters on the old, effete, or bothersome statutes. There is hardly a law now in existence that does not resemble an old shoe that was made half a century or longer ago and fixed over by a succession of cobblers.

That our legislation should have dropped into partisanship is not unnatural. It would be impossible for a single party,

that is, for representatives of the people, to achieve so much venturesome experimenting. It is only when cliques face each other, with the main aim to secure the country and its patronage for one or the other, that wit becomes supernaturally active and legislation becomes abnormal for entire lack of deliberation. "Party measures" are what occupy each aggregation of lawmakers, from senators down to supervisors.

The average lawmaker himself is a curious product of free institutions. The Hon. Mr. Jobson was a speculator in dried apples and eggs, an honest employment, in which he was well qualified to succeed. One-half a cent profit per dozen was satisfactory and comprehensible. He could talk eggs by the hour, and advise you as to the value of six pepper corns a day for each fowl, or whether it should be seven. As for dried apples, he knew how to get them of the farmers at a half cent under the market. We sent him to the Legislature — I do not know exactly why, only that his habit of talking dried apples on the corners gave him an appearance of being a politician. There was certainly no reason, if we must take some one from active industry in our community, why we should not take Mr. Jobson. Perhaps his name had something to do with it, and then he "was willing" — that is, to the extent of a thousand dollars to the committee. He was all right with the "boys," and not really objectionable to the men. The Hon. Mr. Jobson comes home occasionally to see that the local newspaper announces the fact that Hon. Mr. Jobson, our esteemed townsman, has several measures before the House. We should call him hereafter Hon. David Jobson. He has carried through the House a statute to make butter firkins all of a standard size; and another to confiscate all apples to the public education fund that are offered in barrels holding more or less than two bushels and three pecks.

But our Congressman is a different fellow, the Hon. Jim Stearns. He is, of course, a lawyer, but that is no longer a definitive word. Lawyers range all the way through two or three octaves of legal information and ability. Our Hon. Jim is a professional politician; the scion of an unknown ancestry; best recognized for his ability to talk on all topics, without premeditation. The fact that he is a self-made man was of considerable value in securing him the nomination; although it is safe to say that any assistance from a foreign or divine source would have been beneficial, if not welcome. I mean frankly that in making himself the Hon. Jim left out considerable important material, especially moral instinct. But he has "represented" us, or has been supposed to do so, for the last four years. Exactly what representing our district means is not easy to define. There are two ends to our free and independent citizen — the saloon end and the college end.

Should a national or State legislator be a student of political or of social questions? I presume not. That is, we have carefully excluded from popular education any matters pertaining to governmental affairs. To be sure, we began by selecting most of our legislators for the most part from our learned professions. The result was that lawyers controlled law-making. But at last the lawyer is no more learned in any valuable branch of information than his neighbors — perhaps less. His only specialty is verbiage. All our laws come out of the incubator with the technology of antiquity. This adds dignity to the law, of the same sort as powdered wigs to judges. Still, I can not rid myself of the conviction that we are making a great mistake; and that really the highest duty of a legislator is to thoroughly study social and economical questions. . . .

The average Congressman is ignorant, but practical. He goes to see to the interests of his constituents; distribute offices and seeds; and make laws; but by his constituents he rarely means more than the party wire-pullers, "the gang." If he meant more, pray tell us how he could accomplish his virtuous intent? The Congressional party caucus dictates his vote on all occasions; and committees alone are recognized as having control of measures of any importance. He must drop into the business of distributing patronage, and printed speeches, and Patent-office documents, and zinnias. What stimulus does our system apply to our representative to make of him a real statesman? In fact, the bulk of these men are illy informed simply because legislating gives no room for the use of information.

But let us understand that this law-making is not only superfluous, and stupid, and hindersome to plain citizenship, but that it is an assumption of power that does not belong to our representatives, especially those in Congress. It is unconstitutional and arbitrary. No government on earth has acted for the last thirty years with more absolutism than our own. Certainly the English Parliament and the German would not be safe for an hour with such assumptions of power. With our legislative department has kept even pace our judiciary. From the outset this part of our governmental schedule has favored centralization — in the main. With few exceptions our Justices have been of the Marshall school. At last they do not hesitate to override State rights without apology. We as yet do not see that, so long as we elect our legislators, the system may for all that be very far from one of self-government. Americans will begin soon to inquire how it is that they govern themselves; or if, indeed, they do govern themselves. We are allowed to cast ballots that some ring has had printed for us.

Proudhon, the Father of Anarchism.

HIS PERSONALITY AND HIS PHILOSOPHY.

[From Dr. S. Engländer's "Abolition of the State."*]

The essential sign of a political constitution consists in the division of the powers — that is, the discrimination of two phases in the government, a legislative and an executive; and this discrimination results in government, which ought to be the instrument of the people becoming its master.

Proudhon historically deduced from the example of the last French republican constitution the origin of this division of powers. "Why do we want a constitution?" said some respected members of the Constituent Assembly. "What use is this division of power, with all the ambition and danger which follow in its train? Is it not enough that an assembly which is the expression of the will of the people should make laws, and have them executed by its own ministers?" Thereupon the friends of the constitutional system replied, after Rousseau: "The division of powers has its ground in centralization itself. It is unavoidable in a State composed of several millions of men who are unable themselves daily to take part in public affairs. It is also a guarantee of liberty, since the rule of an assembly is as terrible as that of a prince, and, besides, it lacks responsibility. Yes! The despotism of an assembly is one hundred times worse than the autocracy of a single man."

Proudhon considered these objections so important that he regarded the government by a convention as the worst kind of government. He sought the solution of the political problem by harmonizing liberty with centralization. The separation of the powers of the State, which it was desired to introduce as an attempt to secure liberty, proved insufficient. Still the despotism of legislative assemblies arises without separating the State powers. But let every centre be done away with, let centralization of every kind be given up, and still we should drift into meaningless Federalism; the State would crumble into nothingness, and the Republic lose its unity.

What, therefore, must be striven for is the reconciliation of liberty with centralization. As Proudhon sets himself this task, he diverges from that anarchical party which would set up in place of the State mere single unconnected communities, or even mere individuals, and which sees in the common prosecution of any object a return to the system of State.

He pointed out, as the result of the Republic of 1848, that no constitution can keep its promises; that it is utilized, according to the pleasure of the governments, at one time for the furtherance of reaction, at another of progress; that the one-half of its clauses contradict the other half; and that inevitably it must establish a false and corrupt basis of society.

Long before Proudhon, Jeremy Bentham, Elias Regnault, and others, revealed the whole sophistry of parliamentary institutions, but they did not go beyond empty complaint and fruitless denial.

Proudhon allowed mankind first, as it were, to despair in order to save it. He derided the work of the Constitution — the emanation of three revolutions — and showed that the blood-bedabbled daughter of revolution was but a lifeless woodblock. He looked at the corpses of the revolutionary combatants, and he laughed; he scoffed at their achievements; every single gem of the Constitution which we rejoice at, he tore out, broke up, and then showed us that it was but paste.

Socialists complained that the right to work has not been admitted in the Constitution. Proudhon rejoiced that his utterance against theirs, "Give me the right to labor, and I will leave you the right to property," had hindered, as is supposed, this admission. He could, he observed, have explained that his words intended no threat against property, but he did not in order that his country might be spared this new constitutional lie.

In place of this right to labor, the authors of the Constitution inserted the right to public assistance in their document, — as Proudhon remarks, "Nonsense in place of an impossibility." He drove the Constitution out of its last ambush, and cried out bitterly: "As if I could not have said, 'Give me the right to assistance, and I will leave you the right to labor.'"

And then he calmly declared what the right to public assistance was. He showed that what was placed before us as an alms, was as such impossible; but elevated to a right, it opened a gulf and led straight to civil war. With the malicious joy of a cheat, who having effected his swindle, reveals to his victim his *modus operandi*, he demonstrated that against the same subterfuge, which might again be used as a guarantee against the right to public assistance, the same objection might be repeated again and again.

According to him, all the political and economic elements on which society rests mutually make each other complete, pass one into the other, and by turns consume each other. Society rests entirely on these contrasts and assimilations which all return to each other, and the system is eternal. And the solution of the social problem consists in not allowing the various expressions to come forward as contrasts, as was the case in the first formation of society, but to treat them as deductions: thus, for instance, that the rights to labor, to credit, to public assistance — the realization of which was under an antagonistic legislation impossible or dangerous — following one upon the other from an already existing and undoubted right, should mutually guarantee each other, we admit, as emanating from the right of free competition. It is only our utter ignorance of these transformations which makes us blind to our own resources, and causes us always to lay down a guarantee in the texts of our constitutions which no power of the Government can give us, but which we can achieve for ourselves.

Thus it is that Proudhon describes every right which is based upon a Government as an empty relief. Of universal suffrage he remarks: "How can it be true when it is only used in ambiguous questions? How can it express the true opinion of the people when this people by inequality of means is divided into two classes, which, when they vote, are either governed by servility or hatred? Can the same people, held in check by the powers of government, give any opinion upon anything? Is the exercise of its rights confined to electing its leaders and charlatans every three or four years? Does its reason, resting upon the antagonism of interests and ideas only, move from one contrast to another? And can it, in consequence of the existence of party hatred, only escape one danger by plunging into another? Society under the 200 francs franchise was immovable, but since the introduction of universal suffrage it constantly revolves on the same axis. Formerly it stagnated in its lethargy; now it is giddy. Have we therefore advanced? Are we richer or freer because we have created a million of little revolving wheels?"

Thus Proudhon demonstrates that the Constitution of 1848 could give no guarantees either for labor, credit, public assistance, education, progress, universal suffrage, or anything else which might tend to advance either social or political well-being. On this point he continues thus:

"In my opinion, the fault of every constitution, be it social or political, which brings on conflicts and generates antagonism in society, consists on the one side (taking for an example the present French Constitution) in the badly completed and imperfect separation of powers, or, to speak more correctly, of functions: on the other side, in the insufficiency of centralization.

"Thence it follows that the collective power remains without activity, and the collective idea, or universal suffrage, without reality. We must end this scarcely commenced separation and centralize still more. We must give back to universal suffrage its rights, that is, to the people the energy and activity which they lack.

"This is the principle: to prove this, to explain the social mechanism, I can now suitably dispense with deductions. Examples are sufficient. Here, as in all exact sciences, the practice is the theory; the precise observation of fact is the science itself.

*Continued from No. 178.

Lodgings for the Poor.

[Today.]

The London County Council is again devoting its attention to municipal lodgings for the poor. The result of its exploits up to September, 1883, was to unhouse 21,000 people and provide lodgings for 12,000, — the other 9,000 wedging themselves in where they could, except those who were kind enough to take up their residence in the graveyard, and thus free the rate-payers of the duty of sheltering them. The latest proposal of the County Council is to tear down houses at present lodging 5,000 persons and build in place of them accommodation for about 3,500.

State Patronage of Dramatic Art.

[Today.]

Sardou's "Thermidor" having been suppressed by the French Government, the manager of the *Théâtre Libre* offers to produce the play, the censorship being unable to dictate terms to this "private" theatre. The motto of the *Théâtre Libre* is, "By art and for art." It aims at giving young and unpopular authors, boycotted by the managers, who only want to make money, often necessarily at the expense of dramatic art, a chance to try their strength. In three years it has produced one hundred and twenty-five new and original plays, and presented the works of fifty-nine authors and musicians, of whom several are famous. Twenty-three of the pieces revealed at the *Théâtre Libre* have been produced since at the regular theatres. Within the same three years the two subsidized theatres, the *Comédie Française* and the *Odéon*, have produced ninety-two new pieces, and have cost the Government more than a million francs. Communicating these and sundry other facts, equally interesting, the Paris correspondent of the New York "Sun" asks: "What is the conclusion?" and he answers: "Simply, that the *Théâtre Libre*, with ridiculously small resources, has been doing the work which the *Comédie Française* and the *Odéon* have neglected, although they are paid for the purpose. The *Théâtre Libre* has become a focus of art, a nursery of actors, a nucleus of enthusiastic reformers whose ideas and reasonings will inevitably influence the French stage for good."

Liberty.

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"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seat of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel." — PROUDHON.

☞ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

Land Monopoly and Literary Monopoly.

I am asked by Mr. Simpson, in another column, to disprove Lysander Spooner's argument in favor of property in ideas, and paragraphs from Mr. Spooner's book are quoted for my especial attention. One of these paragraphs is addressed to those who believe that ideas are new wealth created by man's labor; the other is addressed to those who believe that ideas are natural wealth discovered and taken possession of by man. As I do not belong to the former class, I have no call to answer the argument addressed to it. To the latter class I do belong; and as one of that class I am simply told by Mr. Spooner that "he who discovers or first takes possession of an idea thereby becomes its lawful and rightful proprietor, on the same principle that he who first takes possession of any material production of nature thereby makes himself its rightful owner." But I deny that "he who first takes possession of any material production of nature thereby makes himself its rightful owner." What does this mean if not unlimited land monopoly? I call Spooner's work on "Intellectual Property" positively foolish because it is fundamentally foolish, — because, that is to say, its discussion of the acquisition of the right of property starts with a basic proposition that must be looked upon by all consistent Anarchists as obvious nonsense. I quote this basic proposition. "The natural wealth of the world belongs to those who first take possession of it. . . . So much natural wealth, remaining unpossessed, as any one can take possession of first, becomes absolutely his property." In interpretation of this, Mr. Spooner defines taking possession of a thing as the bestowing of valuable labor upon it, such, for instance, in the case of land, as cutting down the trees or building a fence around it. What follows from this? Evidently that a man may go to a piece of vacant land and fence it off; that he may then go to a second piece and fence that off; then to a third, and fence that off; then to a fourth, a fifth, a hundredth, a thousandth, fencing them all off; that, unable to fence off himself as many as he wishes, he may hire other men to do the fencing for him; and that then he may stand back and bar all other men from using these lands, or admit them as tenants at such rental as he may choose to exact.

Now, if this be true, what becomes of the Anarchistic doctrine of occupancy and use as the basis and limit of land ownership? I ask Mr. Simpson, and any other Anarchists who, having been led to read Mr. Spooner's book in consequence of this copyright discussion, may be inclined to accept its reasoning, whether they are prepared to abandon the occupancy and use theory for the theory of land monopoly? For it is upon land monopoly that Mr. Spooner directly *founds* literary monopoly.

I told Mr. Simpson, in a recent issue of Liberty, that he was departing from Anarchistic ground. His latest development more than ever justifies my words. Belief in monopoly of ideas is leading him to belief in monopoly of land, *as was bound to be the case.* Archism in one point is taking him to Archism in another. Soon, if he is logical, he will be an Archist in all respects. I shall be sorry to see such a fate overtake him, but I shall be forced to leave him to it if I cannot save him except by disputing the manifestly absurd proposition that a man has a right to exclude me from as much of the earth's surface as he can fence off.

Far be it from me to underrate the merits of Lysander Spooner. Those who read my tributes to his memory at the time of his death know the vast measure of praise which I awarded him. I have no word to take back. I honored him unspeakably as a soldier of liberty in manifold directions, and I loved him devotedly as a friend. But when his name is brought forward as a prop for a weak cause, I am bound to remind those who appeal to him that in many things he was a man filled with prejudice and superstition, a man, not of the future or even of the present, but of the past. He believed in God; he believed in religion; he believed in spirits; he believed in immortality; he believed in duty; he hated utilitarianism (despite some sentiments to the contrary to be found here and there in his works); he believed in land monopoly; he believed in usury; he believed in marriage. What wonder, then, that he believed also in property in ideas!

The introduction of his name into this discussion gives me an opportunity to point out to those Anarchists who favor property in ideas a new and rather amusing *reductio ad absurdum* of their position. The economic doctrine upon which Anarchists are most harmoniously united is that the idea of the equal right of all wealth to representation in the currency necessarily underlies the abolition of usury and the solution of the labor question. This idea was copyrighted by Mr. Spooner. He claimed, as I know from repeated conversations with him, that the idea was his property, and that every mutual bank could and would be compelled to pay him and his heirs a perpetual royalty for the use of it. The old banking system maintains the rate of discount say at six per cent. The Anarchists think that the new banking system would reduce the rate to less than one per cent. Mr. Spooner, who claims to be the inventor and owner of the new banking system, declares that no bank shall use it except on condition of paying to him nearly the whole of this difference of five per cent. which would otherwise be saved by the bank's customers. (Mr. Spooner, who was a benevolent man, would probably have demanded less, but his heirs were Shylocks.) Now, what difference does it make to the borrower, and ultimately to labor, whether six per cent. is paid to the bank, or one per cent. to the bank and five per cent. to Mr. Spooner? None at all; in either case labor is equally exploited. *Thus, by the recognition of property in ideas, the cause of usury is made permanent and the solution of the labor question rendered impossible.* Is Mr. Simpson's optimistic "faith in the spirit of competition" equal to the belief that Mr. Spooner could be "defeated in his diabolical scheme"? Does he think that Proudhon, who invented the same thing, would compete with Spooner? On the contrary, what would be easier or more for their interest than for Proudhon and Spooner to form a trust? They could do so securely, because the idea would soon be so widely known that there could be no more independent inventors, and consequently no more competitors. And then the exploitation of labor by these two men and their heirs could go on forever. How does Mr. Simpson like the prospect?

The remaining points discussed by Mr. Simpson have been covered, most of them, im my previous articles. One of them, the spook of immaterial property, is effectively disposed of by Tak Kak, the spook-destroyer. Mr. Simpson will probably answer him simply by saying that he is talking metaphysics or something worse. That is one of those convenient replies to which a man resorts when he is driven up a tree. Be it metaphysics or not, I must agree with Mr. Lloyd and Tak Kak in confining property to material objects, even at the risk of having Spooner thrown at me again. But I must here tell Mr. Simpson that I cannot devote these columns to extended extracts from the existing literature of the opposition. I think no one can charge me with unwillingness to give the friends of copyright a full and fair hearing. If Mr. Simpson has anything of his own to offer, the columns are still open. But if I were to let him reprint Spooner here, perhaps I should want to reprint Proudhon as an offset. Where would the matter end? Liberty is not a free parliament, but an organ. It exists for propagandism. It is ever willing and anxious to test its views by clash with opposing views, but it lives to spread, not the doctrine of monopoly, but the gospel of liberty. T.

Copyright. — III.

In Liberty No. 176 there are two quotations from Herbert Spencer, the first claiming new knowledge as private property, and the second discussing the probability of independent discoveries as a reason for limiting the inventor's monopoly. I regard Mr. Tucker's reply in the same number as being satisfactory, but there is perhaps occasion for a review of the alleged property in ideas and of copyright in every form, from the point of view of individual possession as true property *versus* societary invasion of the individual to establish an alleged property.

My thoughts are my property as the air in my lungs is my property. When I publish my ideas, they become the property of as many persons as comprehend them. If any person wishes to live by imparting his ideas in exchange for labor, I have nothing to say against his doing so and getting coöperative protection without invading the persons and property of myself and my allies. We will take care, if we can, that he and his party do not invade our houses, stop our printing-presses, and seize our books. Mr. Spencer is welcome to all the property in ideas that he can erect and maintain without government. No one can speak or write, and yet have the same advantage as if he were silent, plus the advantage of a market for his lecture or his book, even if he sell but one copy. But whatever he can do by contract, coöperation, and boycotting, — that is, by the means of equal liberty, — let him do at his pleasure.

When Spencer claims the "exclusive use" of his original ideas, I am interested to know how he purposes of enforcing such claim. I do not admit it. The mere fact that the idea was original with him does not have an effect to debar me from using it after he communicates it to me. I do not invade any privacy, but, when he either sells or gives me knowledge, it is mine. It is simply impossible for him to have property in me, — in the restraint of me so that I must not use my pen, my paper, and Mr. Tucker's type with Mr. Tucker's consent; — that is to say, all this is impossible without tyranny. The terms equal freedom, if construed to mean an equal degree of freedom and an equal degree of denial of freedom, — that is, less than full freedom, — become a mockery of what I understand by equal freedom. I understand by it no privileged order of persons, no privilege except by personal consent. And here is the point: if I undertake to limit my conceivable *action*, I do so in the exercise of my freedom to choose or refuse alliance with others. Further, while choosing as wise and congenial to outlaw the robber, the thief, and the murderer, in asking only voluntary adhesion to the Anarchistic compact we recognize that adhesion is an exercise of freedom. I would be understood that *property*, in the alleged invasion of which I may be taken, is to be given no idealistic extension. Otherwise I will not sign the compact, for the terms equal liberty will mean no more than reciprocal invasion.

This result follows: there are two associations where there would have been one. Owing to Mr. Yarros's association demanding for authors a prohibition upon printers, perhaps many authors adhere to it; but the printers will probably adhere to the same association as myself. I can understand that men who feel that their property is invaded will retaliate, but I do not understand how the authors are going to retaliate successfully against the printers and readers. I know that the pensioners regard their incomes as property and are prepared to keep themselves saddled

upon the taxpayers, and it is possible that some pensions have been given for services which some of the taxpayers would willingly contribute something to reward, but only as a voluntary contribution. On a claim to exact the pensions, the issue depends upon the decision of those who pay them.

Anarchism has to face the claims of people who have put the evidences of past labor into government bonds and land investments as well as patent and other royalties. It is very important then to settle the question: what constitutes property?

I take a copyrighted book and copy it. I give or sell the copy to another. He reads it. He might or might not have bought the author's edition if I had never existed to draw his attention to the work. All that I do in the matter is done in my own room and with my own property.

The author does not know of my action, and cannot, by any inspection of his property, discover that any part is missing. Does not the analysis show that the claim of immaterial literary property is a claim of property in other men's production? True that but for the author the book would not be there for me to copy, but true also that I have not contracted with any man to give him a power of thrusting his partnership upon me, he doing something which has cost him certain labor and in return taking a general injunction upon us all, from which it is not impossible that he will make ten thousand times the amount that his labor would have made. This, if we permit, he makes out of us by the combination of a certain amount of labor with some fortunate idea and our belief in allowing immaterial property. Do we not all see that here are the elements of exploitation of man by man? And under Anarchism will not the authors' association be so small and the free copyright association so large that the former will find it expedient to disband on making some terms for consideration that will give the author a reasonable return for his labor, not at all a recognized right to make all he can by the means of a social prohibition? His own individual prohibition would mostly be impotent.

To steal is to take by stealth, — without the knowledge and consent of the owner. As long as Spencer has an idea in his brain, it is his, and it is not mine until it is in my brain. I do not get it by stealth if he publishes it. I shall then print his idea in his own words; make an exact copy of his book, with his name on the title-page, if it suits me best to do so.

If the printer may not copy new books, of course the shoemaker may not copy new shoes. But that would be the denial of liberty. The equality would be in the denial and frustration of liberty, not in the liberty. There is also denial of property where there is denial of liberty. The new shoe or the new book has superseded the old ones, and the shoemaker or printer with materials and tools in hand must copy what is in demand or starve. If he be not permitted to use his tools and his material in fashioning any goods that he knows how to fashion, and chooses to fashion, his liberty and his property are frustrated at one stroke. The old forms are no longer marketable. The choice is between these two: making him the slave of the man of new ideas or leaving him a free man. If the man of new ideas kept his new ideas to himself, the shoemaker or printer would at least have work, for the public would be content with fresh supplies of what it had before.

Ask for some agreement or arrangement which will secure a reward to the inventor or author, but do not ask for recognition of exclusive *property* in ideas when they have been made *common*, for that is falsehood, contradiction in terms. Ask for reward in any form rather than by the stale, execrable device of preventing production, — a method radically contrary to liberty.

Liberty for the printer and the shoemaker puts them in the same boat, though there is the difference that a copying of Herbert Spencer's works or any other books, from title-page to *finis*, means a flat denial of property in restrictive privilege, whereas the shoe may be invented by another, no one knows how soon. The argument of Mr. Tucker is a "settler": that one who has seen an invention is debarred in that respect from becoming an inventor. It may be seen also that the author by writing a certain book has probably cut some one else out from writing a different book with successful results.

This leads to another consideration. If the author is entitled to property in his so-called "work," — the immaterial "book," — a projection and exploitation, not really *proper* to him but a power of society, — then he may be held responsible for all damage done by his "property" running at large. The liberty of the press will be a serious thing for authors when they are held responsible for the action of their alleged property, — their oxen that gore, and steam-engines that explode, and poisons that destroy. Shall we have even more government?

In my second article I accommodated myself for the moment to Mr. Yarros's terminology as to the more general ideas (contra, plagiarism) and literary form, respectively; but I must say that both what to express and how to express it are certainly ideas. The words as material signs, ink on paper, are all thereabout that is not ideal. When we speak of labor of production in this matter of ideal form, we speak of labor which is precedent to obtaining the form. There may be much labor in obtaining some ideas which, when obtained, present no difficulty in variously expressing them, a number of facts, for instance, which may be stated in figures, words, or Roman numerals; and there may be little labor expended in the manner of expressing an idea even when it appears that long and hard labor would be requisite for another person to express it in that manner. In poetry, for example, often there is scarcely the ghost of an idea other than that of the arrangement of the words, and we know not whether the arrangement has cost a day's labor more than copying would have cost. When we speak of the manner of expressing an idea, we deceive ourselves if we forget that manner is ideal. It is convenient to speak of tools and material, but this does not alter the fact that the adze and the trowel are themselves material. Manner in the ideal is the tool with which ideas of fact are arranged or shaped. Though thus distinguished, it is to be identified ultimately in ideal basis with ideal material, as the material tool is to be identified in basis with the material material. In short, it is as illogical to contrast literary expression with ideas as to contrast grapes with fruit. But the labor? Well, the labor of arranging a bouquet of wild flowers may be more apparent: it is not more actual than the labor of discovering the flowers to be arranged.

I cannot admit that labor of production is better attested in a collocation of words than in a mechanical invention. The demonstrable labor in writing is that which the copyist would have to duplicate. The labor in making a model may be less than in writing a volume, but in neither case do we see all the forms that have been constructed or know of all the mental efforts that have been made.

We meet people who are sure they know what to say, but not how to express it. Expression is terribly hard work for them. Such people either deceive themselves, or they are trying to deceive others as to their knowledge, or they really want to appropriate from some other person the full expression of the ideas which they have partly appropriated, but to do it in some slight disguise, and to be paid for it, not as copyists, but as authors, be their aim even only social estimation.

Labor indispensably prerequisite to production is labor without which the product would not have come into being. It may be labor in gathering ideas of fact or labor of arranging ideas of relation, — literary expression for one kind. In either case it is labor of production of the first product. Without discovery, no product; often, without labor, no discovery.

What is the right to use and abuse? It is intelligible as the definition of personal material possessions and of ideas as possessed in the individual consciousness. Thus the owner of types may employ them in any way (use or abuse). But what becomes of the right to abuse if one may not abuse in every way? My idea of the "right to abuse" is not that we approve abuse, but that we recognize possession and individual immunity from interference in the handling. Liberey to do all acts consistent with the equal liberty of others implies that each may possess materials and employ them as he sees fit, short of injuring another in his life, liberty, or property (possessions). How can I lessen or injure him in his idea, general or particular, or say his form of expression, by repeating it? I can injure his project of exploitation by reasoning against it. Hence, if protection to "literary property" be needed, it may be necessary to disfavor my liberty of discussion.

After literary property and the copyright protective system come personal reputation and the law of libel. I am but a limited owner of pen and paper if I may not attack reputations. I throw this out by way of suggestion for others to reflect upon. My own view of equal liberty and property admits of no breakdown or exception in the "general principle." I hold to tangible possessions and personal immunity in what I deem use of tongue, pen, and all industrial appliances. Ownership of the press means more than the so-called liberty of the press which is the "right to use." It means the exercise which all others may call abuse; and it is for ownership that I contend, which excludes all claims to tribute or involuntary partnership, and logically requires me to view ownership strictly as personal possession. A convenient test is this: No ownership except in that which is embodied in tangible form, hence subject to wear and decay, for this is the general mark of products as distinct from that so-called production which can be imparted to others and become common property without the original owner having less than before, — the ideal, hence simply discovery.

I must criticise an attempt to employ the word monopoly to designate personal possession. The word monopoly is properly used to designate an exclusive privilege of market, and how could this be more glaringly exemplified than it is when one has an an immaterial so-called "property," so that he sells nothing but a permit and does not reduce the quantity of what he has to sell when he makes a sale? By making use of the word monopoly as a forced synonym for that true property which is personal possession, a sort of color is given to the notion that monopoly might be equitable property.

What appears of the fabulous possibilities of wealth suggested in selling permits to successive generations will stamp ideal "production" as discovery beyond doubt, and thus as being outside the sphere of industrial production with its labor equivalents of perishable and consumable products. The imperishable and inconsumable were never produced in the sense of equitable commerce.

Mr. Yarros's hint as to introducing a different *kind* of copyright induces me to remark that, while this use of language is common, it is not penetrating. The differences now existing relate to time and extent of territory, hence are only by a loose use of language called different kinds, — meaning copyright variously conditioned. Now, if Mr. Yarros were to introduce voluntary associative methods in procuring consent to copyright, that would be a difference as to mode of execution rather than as to the right claimed.

TAK KAK.

"The Limits of Liberty."

Unquestionably the most important theoretical essay in the volume recently published in England under the title, "A Plea for Liberty: An Argument against Socialism and Socialistic Legislation," is that contributed by Mr. Wordsworth Donisthorpe on the "Limits of Liberty." As Mr. Donisthorpe does not confine himself to a deference of liberty, but discusses the whole question philosophically and historically, and incidentally criticises Anarchism, it appears useful as well as convenient to examine and review his essay apart from the rest of the volume, of which due notice will be taken shortly. Let me yield to Mr. Donisthorpe and listen to his own statement of the problem.

"The problem is," he writes, "What are the proper limits of liberty? and, if these cannot be theoretically defined, what rule should be adopted for our practical guidance? With those who answer, No limits, I will not quarrel. Such answer implies the belief that we have as a nation already reached the top rung of the

ladder, — that we are ripe for perfect Anarchy. . . . I myself do not believe that we have attained to this degree of perfection; and, furthermore, those who do believe it cannot evade the task of fixing the limits of liberty in a lower plane of social development. . . . . Can any guiding principle be formulated whereby we may know where the State should interfere with the liberties of its citizens and where it should not? Can any definite limits be assigned to State action? . . . . Some say, 'we must fall back on the consensus of the people; there is nothing else for it' . . . . Others, again, qualify that contention. These say, 'let us loyally accept the verdict of the majority.' This is democracy. . . . It only shoves the question a step further back. How are the many to decide for themselves when they ought to interfere with the minority and when they ought not? . . . . Of course the stronger can do what they choose; but what ought they to choose? . . . . We may put the State on one side and imagine a purely Anarchic form of society, and the same question still arises. Since the anarchy of the wild beasts is out of the question, it is clear that certain arbitrary and aggressive acts on the part of individuals must be met and resisted by voluntary combinations. . . . For what purposes are these combinations to be made?"

Barring the parenthetical reference and answer to "those who answer, No limits," the above statement is perfectly clear and logical. As I understand him, Mr. Donisthorpe simply sets us the task of defining liberty and invasion, of pointing out the exact line of demarcation between equal liberty and unequal liberty, between social liberty and savage liberty, between (to adopt Proudhon's terminology) simple liberty and compound liberty. He tells us, quite correctly, that, no matter what the external form of social organization, the necessity for guiding principles, for definitions, is ever present. But this being so, it is obvious that he contradicts his own statement and needlessly introduces an element of confusion when he refers to those "who answer, No limits," and remarks that he should not quarrel with them. Why, according to Mr. Donisthorpe, there *are* no people who believe in unlimited liberty. Unlimited liberty is chaos, while we are discussing *equal* liberty, which is limited liberty. Not only is Mr. Donisthorpe obliged to "quarrel" with those who say, No limits (assuming such to exist), but he must absolutely decline to allow them to join in the debate. To say, No limits, is to declare against all principles; while Mr. Donisthorpe's undivided attention is directed toward the discovery and scientific expression of principles.

Assuming that my criticism is warranted and that I understand Mr. Donisthorpe's real meaning, I wish, before inviting the reader to study Mr. Donisthorpe's solution of the problem, to note the fact that the way in which the problem is stated fully authorizes us in claiming that Mr. Donisthorpe is an Anarchist. To him as to us, the question presents itself as one dealing with the relations between one individual and another; beyond the question of justice between man and man there is nothing. Society, or the State, in his view, has no rights as such. The principle he is in search of, once found, is a principle which all are equally bound to respect. To decide what the rights of one man are as against one other man is to decide what the rights of man are. The ethics of the individual Mr. Donisthorpe does not distinguish from the ethics of society, in which he coincides with the views of the Anarchists. The non-Anarchistic individualists do believe that, beyond the question of justice between man and man, there is the question of justice between the individual and society or the State, and that society has rights as such which individuals are ethically bound to recognize. All such indirect evidence as is found goes to show that Mr. Donisthorpe is himself an Anarchist, — that is to say, a man who, in the words of Spencer, "denies the right of any government, autocratic or democratic, to trench upon his individual freedom," and who regards the "limits which individual actions may not transgress . . . as deducible from the equal claims of fellow citizens."

Now, what is Mr. Donisthorpe's own solution? "I feel convinced," he says, "that there is no *à priori* solution of the problem. We cannot draw a hard and fast line between the proper fields of State-interference and the field sacred to individual freedom. There is no general principle whereby the effective majority can decide whether to interfere or not. And yet we are by no means left without guidance. . . . . We must give up all hope of deducing good laws from high general principles, and rest content with those middle principles which originate in expedience and are verified by experience. And we must search for these middle principles by observing the tendency of civilization. . . . By induction from the cases presented to us in the long history of mankind, we can, I believe, find a sound working answer to the question we set out with. All history teaches us that there has been an increasing tendency to remove the restrictions placed by the State on the absolute liberty of its citizens. . . . There has been a marked tendency (in the main continuous) to reduce the number of State restrictions. . . . State-prohibitions are becoming fewer and more definite, while, on the other hand, some of them are at the same time more rigorously enforced. . . . . The proper aim of the reformer, therefore, is to find out, by a study of history, exactly what those classes of acts are in which State-interference shows signs of becoming weaker and weaker, and what those other classes of acts are in which such interference tends to be more rigorous and regular. He will find that these two classes are becoming more and more differentiated. And he will then, to the utmost of his ability, hasten on the day of absolute freedom in the former class of cases, and insist on the most determined enforcement of the law in the latter class. Whether this duty will in time pass into other hands, — that is to say, whether private enterprise will ever supplant the State in the performance of this function, and whether that time is near or remote, are questions of the greatest interest."

Such is Mr. Donisthorpe's view, and I have no exception to take to it. I am surprised that Mr. Donisthorpe still thinks that the Anarchists entertain a different view. Why, this is substantially the position taken by Mr. Tucker in the very passages which Mr. Donisthorpe quotes and criticises. "No use of force, except against the invader," wrote Mr. Tucker; "and in those cases where it is difficult to tell whether the alleged offender is an invader or not, still no use of force except where the necessity of immediate solution is so imperative that we must use it to save ourselves." Mr. Tucker has always maintained that "the lesson that liberty is the mother of order, rather than an exact definition of aggression, is the essential condition of the development of Anarchism," and that "the chief influence in narrowing the sphere of State interference is not so much the increasing exactness of the knowledge of what constitutes aggression as the growing conception that aggression is an evil to be avoided and that liberty is the condition of progress." And Mr. Donisthorpe must agree with him that "the question before us is not what measures and means of interference we are justified in instituting, but which of those already existing we should first lop off." The questions which Mr. Donisthorpe says are left unsettled by Mr. Tucker's position are questions which he himself is unable to meet in any other way. He tells the State Socialists and the prohibitionists to study history and learn the lesson that the State's functions are tending to become restricted in scope, while individual liberty is increasing; and the same answer is made by the Anarchists. The complaint which Mr. Donisthorpe brings against Mr. Tucker in reference to his failure to furnish practical rules to be adopted now, I may with equal justice bring against Mr. Donisthorpe himself, for the most careful study of his essay has not enabled me to detect the presence of any practical rule of this kind. He simply declares that those restrictions which are manifestly improper and evil-breeding should be removed first, just as Mr. Tucker has declared that "the first to go should be those that interfere most fundamentally with a free market." One of Mr. Donisthorpe's criticisms strikes me as astonishingly forceless and superficial. Upon Mr. Tucker's admonition that, in cases where it is doubtful whether the alleged offender is really an invader, and where the necessity of immediate solution is yet so imperative that force must be used, such use of force had better be frankly and squarely acknowledged as a matter of necessity, and no attempt made to harmonize it with any far-fetched theory of State rights, Mr. Donisthorpe comments thus: "Even the most avowed State Socialist is ready to say that compulsion in such matters is justifiable only when it is 'so imperative that we *must* use it to save ourselves.' He is ready to do so, if need be, 'fairly and squarely, acknowledging it as a matter of necessity.' But so is the protectionist; so is the religious persecutor." What! are State Socialists, protectionists, and religious persecutors willing to desist from aggression and to restrict the use of force only to cases where it is absolutely unavoidable? This would be good news indeed. Unfortunately it is not true. Mr. Donisthorpe strangely overlooked the rather significant consideration that what prohibitionists and protectionists regard as "doubtful" cases are to Mr. Tucker cases admitting of no doubt whatever. Is he, then, to be held responsible for other people's ignorance and moral inferiority? Mr. Donisthorpe knows perfectly well what Mr. Tucker means by doubtful cases, and the adequacy or inadequacy of Mr. Tucker's "rule" for treating them is not to be determined by the results of its application by men who differ from him fundamentally. The point is here: can those who understand liberty in Mr. Tucker's sense furnish a *better*, a more scientific rule for the cases in question? They cannot. Mr. Donisthorpe certainly does not furnish any other rule. He contents himself with insisting upon the necessity and justice of repressing the "lower forms of competition," offering *no* rule for treating doubtful cases, — cases which we do not know in what category to place. Suppose an act is committed which some individualists regard as belonging in the class of the "lower forms of competition," but which other individualists are inclined to class among the higher forms of competition. All agree that, *if* the act *does* belong in the lower class, the exercise of force in the case is legitimate; but *where* it belongs is precisely the question upon which they cannot agree. Now, what is to be done in that case? Mr. Tucker advances a practical suggestion, which Mr. Donisthorpe dismisses as unsatisfactory. But, instead of offering a better suggestion, he discourages us by the assertion that there is no solution possible and that it simply remains to us to bow to the superior power. Bow to that power we will and must — no one knows how long; but is or is not Mr. Tucker's solution preferable to the present way of cutting the knot? That is the real question; and Mr. Donisthorpe will have to answer in the affirmative. Well, then, let us instruct the effective majority and induce it to accept the *better* rule, meanwhile persevering in our efforts to discover or formulate the best rule.

I repeat that Mr. Donisthorpe's last word leaves us in no perplexity as to the propriety of classifying him as an Anarchist, and I hope that he will revise his opinion regarding the relation between his philosophy and that of the Anarchists. To show still more clearly the entire harmony between us, let me add one or two further quotations.

In summing up his long and logical argument, Mr. Donisthorpe says: "I have tried to show that the right course for the State to adopt towards its own citizens — Group-morals — cannot be discovered by deduction from any abstract principles, such as Justice or Liberty. . . . . The rules of conduct by which States should be guided are intelligible canons based on centuries of experience. . . . History shows that (probably as a means to an end; though of this we cannot speak positively) the State's sphere of action is a diminishing one, — that, as it moves forward, it tends to shed function after function, until only a few are left. Whether these duties will pass into the hands of voluntary corporations at any time is a question of the greatest interest; but it is observable that the latest functions remaining to the State are those which are most rigorously performed. And this seems to point to the future identity of the State (in the sense of the sovereign power) with the widest voluntary association of citizens — an association based on some common interest of the widest extent. Thus it is probable that even now an enormous majority of persons in this country would voluntarily forego

the right of killing or robbing their neighbors on condition of being guaranteed against similar treatment by others. If so, the voluntary society which Anarchy would evolve, and the State which ancient Socialism has evolved, tend in the long run to be one and the same thing. The State will cease to coerce, because coercion will no longer be required." I am not certain that I understand Mr. Donisthorpe's meaning in the last sentence. If he employs the word "coercion" in the sense of *compulsion*, then surely the idea conveyed is erroneous. Anarchism is not necessarily social perfection, and even under it what Mr. Donisthorpe calls the lower forms of competition, — murder, assault, robbery, etc., — will have to be suppressed by force. The question is not between coercion and utter absence of coercion, which is conceivable only in a society of perfect beings (not ideally perfect, but free from anti-social feelings and desires). The question is between unprincipled coercion of everybody, aggressors and non-aggressors alike, and between use of force only against aggressors. If Mr. Donisthorpe used the word coercion in a different sense, it is to be regretted that he did not add the necessary explanation.*

Touching the function of reformers and the methods of securing fuller and wider recognition of liberty, Mr. Donisthorpe says: "I have always endeavored to show that the effective majority has a right (a legal right) to do just what it pleases. How can the weak set a limit to the will of the strong? . . . Shall we then sit down like blind fatalists in presence of the doctrine, 'no limit can be set to State interference?' Certainly not. I have admitted that no limit can be set *from without*. But just as we can influence the actions of a man by appeals to his understanding, . . . so we may imbue the hearts of our countrymen with the doctrine of individualism in such wise that it may sometimes be said of England, 'Behold a free country.' It is to this end that individualists are working. . . . When the majority learns that its acts can be criticised; that it can behave in an 'ungentlemanly' manner, as well as in a wrongful manner; that it should be guided in its treatment of the minority by its *conscience*, and not solely by laws of its own making, — then there will be no scope for any other form of government than that which is based on individualism; and the Rights of Man will exist as realities, and not as a mere expression denoting each man's private notions of what his rights *ought* to be."

The method indicated is that accepted by the Anarchists. They supplement it, to be sure, by that of passive resistance to State tyranny, but, as we know from other sources, Mr. Donisthorpe is equally ready to fight the majority in a wise and skilful manner. So on this point too there is complete accord.

I had intended to invite Mr. Donisthorpe to glance with me at some suggestions in reference to what appear to me needful qualifications of the statement — in the main sound — that there is no general principle whereby the effective majority could govern its course; but I have left myself no space for that important aspect of the question. I expect to devote a separate article to its consideration. V. Y.

Actors in New Parts.

In a recent issue of the "Dramatic News" the editor launched a project of "altogether unusual value" to the dramatic profession. We will presently see what that project is; first, let us share with the reader the benefit of the editor's introductory remarks. Says he:

> It has long been held that the stage calling could not possibly exercise any lasting influence in the community, for the reason that the followers of the theatrical profession could not, under any circumstances, be induced to band themselves together to remain in close contact for the assistance of one another and the pushing forward of their interests as a body. But no effort has ever been made to consolidate the people of the theatre upon any but special projects. There have been attempts to bring about uprisings against the Interstate law, against the free importation of foreign actors, and against other specific menaces to the welfare of actors and actresses in America. But there has never been a proposition formulated in any extensive, and careful, and far-seeing way that would place the workers in the theatres upon a basis of permanent importance in their influence over the general issues of the country.

Now, what the editor proposes is the formation of a theatrical federation that shall embrace the great bulk of the amusement professions in all their branches, and that shall *coöperate with the trades unions and other labor organizations of the United States.*

To quote the editor again:

> The labor vote of the United States is in reality the vote that elects our presidents, our congressmen, our State legislators, and, in fact, the occupants of all our offices. If the people who are employed in all capacities in connection with the American stage will consent to organize themselves into one great body and to join hands with the labor forces, *the stage will absolutely control every political movement in America.*

But why, it will naturally be asked, do the actors want to control politics? What can the trades unions do for them? Listen to the editor's frank answer:

> Congress has thus far declined to take the view that American actors should be protected the same as American workers in the other walks of life. We may beg and implore the representatives of this people in Washington as long as we please, but, until we are enabled to demand our just rights, we shall never, in all this world, secure them. When we have formed a coalition with the same labor unions that compelled Congress to protect the stonecutter, the mason, the carpenter, and all other artisans, we shall be enabled to compel every member of Congress to vote for our protection, and we shall be placed to tell him that if he does not do so we will defeat him at the next succeeding election.
>
> The Theatrical Federation, carrying in its hand the great labor vote of the United States, will be enabled to say to Congress: "We want a reduction in our railroad fares to one cent a mile, and every man who votes against such reductions will be left at home in the next elections." When we are enabled to force Congress to this concession, the combination manager, the local manager, and the actor will gain the benefit derived from the difference between the prices that exist now and those that will then prevail. The combination manager will be enabled to pay an increased range of salaries, and at the same time to give to the local manager a better per cent. of the receipts, still retaining for himself an added profit. It is the great railroad interest of the United States that now consumes the profits of the American theatrical calling. Those rates must be reduced before this business of the stage will be placed upon a commercial footing, and the way to reduce them is to compel, and not implore.

Nor is this the only grievance which actors might "compel" Congress to redress. They do not like the law which permits foreign managers to bring over, as "tools of trade," free of duty, costumes and scenery, since it places at a distinct disadvantage the American managers who employ American labor and purchase American merchandise. Then, other opportunities would doubtless arise "for the benefiting of the American actor and manager and the closing out of foreign competition."

One question still remains. What is to induce the labor unions to give the theatrical profession the benefit of their experience and strength? Actors are not voters, and so could not strengthen the laborers at the polls. It would be equally impossible for them to promise to discriminate against railroads and corporations which might be boycotted by the unions. In what way, then, could the actors be serviceable to the organized laborers? The editor has a ready answer:

> Our power would consist in our ability to furnish the sinews of war for every great labor movement in the United States. . . . It is a possible thing for the theatrical profession, if united throughout the country, to give one grand benefit performance simultaneously in every town where there is a theatrical entertainment, and to turn over the proceeds to the support of the labor unions, in any struggle in which they may be engaged. Do you realize what this means? Do you see the power that is placed in your hands to wield the great voting population of America? Just think of it. In the route list of the "Dramatic News," every week, there are published the names and whereabouts of not less than four hundred and fifty traveling organizations of various kinds. Supposing every one of these combinations were, at a fixed signal, to give a performance in aid of the Knights of Labor, or Central Labor Union, or any other organization acting in coöperation with the Theatrical Federation. Placing the day's receipts of each of these four hundred and fifty performances at $250, we have a grand total — *raised in one day* — of $112,500. Don't you think that, if the great labor unions of this country could feel themselves able to fall back upon such aid as this at any critical moment, they would be prepared to do almost anything in return that you might reasonably ask?

There is certainly nothing impracticable about the editor's project. It is a promising scheme, and will doubtless be welcomed by the trades unions. By attending to the government clerks and employees next, and by taking in the police, the ideal of the labor organizations — State socialism — would be brought within reach. If State socialism is inevitable, — if slavery be really the "coming" condition, — the sooner it is here the better. For soon after it will be begun, it will be done for. Let it come — to die.

V. Y.

It is not a pleasant duty to criticise Mr. Pentecost. He seems to have taken a solemn oath never to answer any criticism really worth answering, and it is useless to continue the efforts to induce him to change his policy in that respect. If he thought he could afford to ignore Mr. Yarros's criticism of his indictment against Anarchists, he certainly can afford to ignore anything. Still I am tempted to ask him one question. Seeing that he improves every opportunity to declare that he is not an Anarchist, will he mind telling us whether he wishes us to regard him as an Archist?

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* I would add, however, that my impression is that Mr. Donisthorpe's expression is to be interpreted thus: "the State will cease *to be a coercive institution*, or an institution based on compulsory taxation, because coercion will no longer be required for the purpose of establishing a system of protection for life and liberty, which all men will voluntarily combine to secure and maintain."

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